

10. INTERGOVERNMENTAL COOPERATION

INTERGOVERNMENTAL COOPERATION VISION

The County, municipalities and schools have developed and maintained a way to communicate about all sorts of issues, particularly those that generate controversy. We keep collaboration and cooperation as a part of our everyday communication. The County has taken the lead to establish a dialogue with all St. Croix municipalities to discuss cost sharing and tax base sharing arrangements, to decrease the level of duplication of services, and to increase the number of shared community facilities especially among towns and cities. In addition, the County has worked with all St. Croix municipalities to make sure policies are consistent. When issues that concern the entire county need to be addressed such as utilities (siting) or wildlife corridors, the County works at cross-jurisdictional cooperation.

INTRODUCTION

Advances in technology and improved mobility have resulted in the faster and easier movement of people, money, goods, and other resources across jurisdictions. Many issues (e.g., schools, natural resources) cross intergovernmental boundaries, and the decisions, plans, and policies of one community can impact neighboring jurisdictions. There are many instances when entities abut and overlap with a variety of other entities. The environmental, economic, and social health of a community, surrounding areas, and the County are interconnected.

Through intergovernmental cooperation, communities can anticipate conflicts in plans and policies in order to identify potential solutions to mitigate such conflicts. Governmental units may also work together to capture opportunities for cost-sharing, competitive bidding, and the leveraging of available resources to everyone's benefit. Cooperation is key to strengthening the County economy while conserving tax dollars, providing services, and preserving resources. Examples of some activities include extraterritorial zoning and plat review, boundary agreements, and cooperative partnerships.

Getting all communities in the County to understand the benefits of working together for both the benefit of the specific community and the County is challenging. A common goal of working together and strengthening the County is needed to move towards prosperity and sustainability.

Intergovernmental cooperation is a difficult task. If it was not difficult, there would be more cooperation and coordination occurring. Perhaps the most important attribute of a County where successful intergovernmental cooperation exists is trust. Trust-based relationships play a key role in developing cooperative and innovative services to meet the needs of county citizens. Benefits of intergovernmental cooperation include:

- **Cost Savings:** Cooperation can save money by increasing efficiency and avoiding unnecessary duplication. Cooperation can enable some communities to provide their residents with services that would otherwise be too costly.
- **Address Regional Issues:** By communicating and coordinating their actions, and working with regional and state jurisdictions, local communities are able to address and resolve issues which are regional in nature.
- **Early Identification of Issues:** Cooperation enables jurisdictions to identify and resolve potential conflicts at an early stage, before affected interests have established rigid

positions, before the political stakes have been raised, and before issues have become conflicts or crisis.

- **Reduced Litigation:** Communities that cooperate are able to resolve issues before they become mired in litigation. Reducing the possibility of costly litigation can save a community money, as well as the disappointment and frustration of unwanted outcomes.
- **Consistency:** Cooperation can lead to consistency of the goals, objectives, plans, policies, and actions of neighboring communities and other jurisdictions.
- **Predictability:** Jurisdictions that cooperate provide greater predictability to residents, developers, businesses, and others. Lack of predictability can result in lost time, money, and opportunity.
- **Understanding:** As jurisdictions communicate and collaborate on issues of mutual interest, they become more aware of one another's needs and priorities. They can better anticipate problems and work to avoid them.
- **Trust:** Cooperation can lead to positive experiences and results that build trust between jurisdictions.
- **History of Success:** When jurisdictions cooperate successfully in one area, the success creates positive feelings and an expectation that other intergovernmental issues can be resolved as well.
- **Service to Citizens:** The biggest beneficiaries of intergovernmental cooperation are citizens for whom government was created in the first place. They may not understand, or even care about, the intricacies of a particular intergovernmental issue, but all St. Croix County residents can appreciate their benefits, such as cost savings, provisions of needed services, a healthy environment and a strong economy.

PLANS & AGREEMENTS

The number of existing intergovernmental plans, agreements, and relationships in St. Croix County is extensive. Each community in the County has at least one plan, agreement, or relationship with an adjacent or overlapping government entity. This section does not list all of the plans or agreements in the County; rather it attempts to summarize all the various types of plans.

County Comprehensive (Development) Plans

Wis. Stats. §59.69(3)

Counties are authorized to prepare development plans or parts of the plan for the physical development of the unincorporated territory within the county and areas within incorporated jurisdictions whose governing bodies agree by resolution to be included in the county's development plan. The statute requires that counties that have a zoning agency include in the plan the location of any part of an airport or area affected by an airport. The statute enables counties to establish landmark commissions and to designate and regulate historic landmarks and establish historic districts. County development plans must include city and village master plans.

County development plans are now included in the state definition of a "comprehensive plan" and must meet applicable requirements under the State Comprehensive Planning Law. St. Croix County expects to complete an update to the Comprehensive Plan in 2012.

City and Village Comprehensive (Master) Plans

Wis. Stats. §62.23 & §61.35

Cities and villages are authorized to prepare and adopt master plans for their physical development, including any areas outside their boundaries which, in the plan commission's judgment, relate to their development. However, in a county with a regional planning department, areas outside the city boundaries may not be included in the master plan without the county board's consent. Statutes also authorize cities and villages to establish official maps. Master plans are now included in the state definition of a "comprehensive plan" and must meet applicable requirements under the State Comprehensive Planning Law.

Town Comprehensive (Master) Plans

Wis. Stats. §60.22(3) & §60.62

Towns are authorized to form a plan commission and adopt town plans by ordinance for areas within the town boundaries. Towns may also develop a master plan under "village powers." Towns may also cooperate with county planning agencies in rural planning (s. 60.23(5), Wis. Stats.); however, counties are not required to recognize town plans when preparing county development plans. Town master plans are included in the state definition of a "comprehensive plan" and must meet applicable requirements under the State Comprehensive Planning Law.

Regional Comprehensive (Master) Plan

Wis. Stats. §66.1001 & 66.0309(9)

West Central Wisconsin Regional Planning Commission (WCWRPC) is statutorily charged with the responsibility of planning for the physical, social, and economic development of a 7-county region that includes St. Croix County. Its responsibilities pertaining to land use are advisory in nature, providing supportive services to county and local governments upon request.

Wisconsin Statutes 66.0309(9) require regional planning commissions to develop and adopt a regional master plan for the physical development of their region which complies with the State Comprehensive Planning Law.

Surface Water Management Plans & Stormwater Utilities

A surface water management plan describes community-wide surface water management needs for both urban and rural areas. This local tool is useful in determining actions to improve surface water quality including the installation of stormwater retention (temporarily store and discharge) and detention (permanently hold and infiltrate) facilities. Stormwater facilities may include wet/dry ponds, infiltration basins and bio-retention basins, also known as rain gardens, to collect storm water and help prevent damage caused by large rainfalls and small-scale flooding. Comprehensive stormwater management planning is not widely practiced in our region. Instead, stormwater planning is typically approached similarly to, or in concert with, road or street projects, capital budgeting, or as part of development proposals on a project-by-project basis.

County and local jurisdictions often incorporate stormwater management requirements as part of subdivision regulations and building codes, in part to ensure consistency with state construction site erosion controls. State law (NR 216) also requires landowners to develop an erosion control plan and obtain necessary WisDNR erosion control and stormwater discharge permits for all construction sites where one or more acres of land will be disturbed. The exceptions to this are for public buildings and WisDOT projects which have special regulations.

Currently, municipalities in Census-defined urbanized areas and municipalities with more than 10,000 population are required by state and federal law¹ to develop a Municipal Separate Storm Sewer System (MS4) plan. The plan identifies measurable stormwater attenuation goals, required permitting, and educational efforts for municipal-owned stormwater conveyances which discharge to public waters.

The City of Hudson exceeds the 10,000 population threshold in St. Croix County but has not yet been required to obtain an MS4 permit. River Falls has been required to obtain an MS4 permit making the portions of River Falls that lie within St. Croix County subject to those requirements.

A stormwater utility may be created by cities, villages, and towns with village powers to maintain and manage their surface water conveyance system. Stormwater utilities have the ability to charge fees to generate revenue to support these activities, and fees are often based on the amount of impervious surface area of a parcel or equivalent residential unit size. According to the Wisconsin Chapter of the American Public Works Association, the following communities have stormwater utilities or user charges in west central Wisconsin as of April 2012:

- City of Hudson 2012
- City of New Richmond 2004
- City of River Falls 1998

Though such utilities are not yet commonplace in west central Wisconsin, the National Association of Flood and Stormwater Management Agencies (NAFSMA) estimated that 38 percent of stormwater management agencies in 1996 were funded through stormwater utilities.

¹ Rules applicable to stormwater management can be found in the Federal Clean Water Act and Chapter NR 216, Wis. Admin. Code and are regulated through the EPA's National Pollutant Discharge Elimination System (NPDES) and permitted under the Wisconsin Pollutant Discharge Elimination System (WPDES). More information can be found at: <http://www.dnr.state.wi.us/runoff/stormwater.htm>.

Outdoor Recreation Plans (ORPs)

Wis. Stats §59.97(3)(b)(2), 60.66(4)(c), and 62.23(2)

Outdoor recreation plans inventory a community's parks and outdoor recreation facilities; identify related needs; and establish goals for the acquisition, development, and improvement of such facilities.

By adopting an outdoor recreation plan which is reviewed and accepted by WisDNR, a community becomes eligible to participate in the Land and Water Conservation Fund Program (LAWCON), the Stewardship Local Assistance Programs, and other related funding programs. Both the LAWCON and Stewardship financial aids programs are administered by the Wisconsin Department of Natural Resources and can be used to assist in the construction of new outdoor

FIGURE 10.1 ST. CROIX COUNTY OUTDOOR RECREATION PLANS

COMMUNITY	ORP EXPIRATION DATE	CURRENTLY ELIGIBLE?
St. Croix County	December 31, 2011	Y
V. of Baldwin	December 31, 2003	N
V. of Deer Park		N
V. of Glenwood City		N
V. of Hammond		N
C. of Hudson	December 31, 2010	Y
T. of Hudson		N
C. of New Richmond		N
V. of North Hudson		N
V. of Roberts		N
T. of St. Joseph	December 31, 2004	N
V. of Somerset	December 31, 2003	N
V. of Star Prairie	December 31, 2011	Y
T. of Troy	December 31, 2003	N
T. of Warren	December 31, 2008	Y
V. of Wilson		N
V. of Woodville		N

source: Wisconsin Department of Natural Resources

recreation facilities as well as for the associated construction and improvement of existing recreational facilities. These plans must be updated every five years in order to maintain eligibility.

Figure 10.1 lists St. Croix County communities which have ORPs on file with WisDNR as of September 15, 2008. Some municipalities may have completed ORPs, but have failed to submit them to WisDNR for eligibility approval. St. Croix County plans to update its ORP by December, 2012.

County Farmland Preservation Plan

Wis. Stats. §59.97 & 91.55

The St. Croix County Board formally adopted a new Farmland Preservation Plan in 2012 which also serves as the Agricultural Element for this Comprehensive Plan. The plan outlines the county's goals and policies for the next 15 years related to farmland preservation and agricultural development, identifies farmland preservation areas, and the county's strategy to increase housing density outside of farmland preservation areas.

The Wisconsin Working Lands Program was passed as part of the state's 2009-2011 biennial budget process. A summary of this program is found in the Farmland Preservation Plan and Agricultural Element of this plan. An income tax credit is available for agricultural properties that are zoned farmland preservation/exclusive agriculture and/or if a landowner signs a long-term farmland preservation agreement and is in an Agricultural Enterprise Area. In order for landowners to participate in the program, their county must adopt an agricultural or farmland preservation plan and a farmland preservation zoning ordinance or district (formerly called exclusive agricultural zoning district) which is certified by the State of Wisconsin Department of Agriculture, Trade & Consumer Protection. St. Croix County has applied for certification of its recently adopted Farmland Preservation Plan. In 2012, St. Croix County will begin the process of updating its farmland preservation zoning district so it is consistent with the Farmland Preservation Plan

St. Croix County landowners in the Farmland Preservation Plan are eligible for agricultural enterprise areas even if farmland preservation zoning districts are not in place.

The towns that adopted the exclusive agriculture zoning district based on the 1980 St. Croix County Farmland Preservation Plan include: Baldwin, Cylon, Eau Galle, Erin Prairie, Pleasant Valley, Rush River, St. Joseph, Somerset, Stanton, Star Prairie and Troy. The City of River Falls has an exclusive agriculture zoning district in its extraterritorial zoning district.

Solid Waste Management Plans

Wis. Stats. §59.70(2) & 289.10(1)

Counties may establish a solid waste management board which is authorized to develop plans for a solid waste management system and operate a solid waste system. Such plans must be consistent with applicable state rules and must be reviewed by the Wisconsin Department of Natural Resources.

St Croix County's Solid Waste Management Plan was last revised in 1992. This plan recognized the changes in municipal solid waste generation, county population and state regulatory requirements. This plan was the basis for the development of a county recycling ordinance, growth in household hazardous waste collection programs, and increases in recycling education.

County Land & Water Resource Management Plans

Each Wisconsin county, through their respective conservation department, develops and maintains a county land and water resource management plan for the purpose of conserving water and soil resources. These plans are required in order to maintain eligibility for annual funding through the State Soil and Water Resource Management Grant Program administered by DATCP. The plans must be updated every five years and must be reviewed by the State Land and Water Conservation Board and approved by DATCP. St. Croix County updated its plan in 2009.

County Forest Comprehensive Land Use Plans

Wis. Stats. §28.11

Counties need to adopt 10-year comprehensive land use plans for county forest lands. Not only do these plans identify goals and strategies for conservation and protection of county forests, but they also include timber production, wildlife management, access, and recreation goals. St. Croix has not adopted a forest comprehensive land use plan. In addition, the county conservation department is involved in cooperatively developing watershed management plan for the Willow River due to its designation as an impaired water body from nutrient and sediment delivery.

Sewer Service Area Plans

Wis. Stats. §144.235 & NR 121

Sewer service area planning is a water quality protection process designed to anticipate the future needs for wastewater treatment systems in developing areas. This planning helps protect communities from adverse water quality impacts through development of cost-effective and environmentally sound 20-year sewage system growth plans.

The passage of the Federal Water Pollution Control Act Amendment (P.L. 92-500) in 1972 marked the beginning of a new approach to the planning, design, and construction of municipal wastewater collection and treatment facilities. This law established area wide water quality management planning under Section 208, and also the Facility Planning Grant Program under Section 201. Sewer service area plans are a formal element of state area wide water quality management plans (basin plans) as defined under state administrative rules (NR 121), and thus, require WisDNR review and approval.

Sewer service area plans identify a sewer service area boundary in which municipal sewer service could be provided within a twenty-year planning horizon based on population and growth trends, engineering constraints, community growth goals, and intergovernmental input. These plans not only provide input into WisDNR plans and decision-making, but are used locally for guiding development decisions, utility, and treatment facility planning, and grant writing. Special review and approvals may also be needed for sewer connections, sewer extensions, and holding tanks within the sewer service area, especially if a project potentially encroaches upon an environmentally sensitive area.

West Central Wisconsin is a non-designated sewer service planning area where planning is only required for selected urban regions within the standard metropolitan statistical areas and for areas with populations exceeding 10,000. While grant funding is periodically available for sewer service area plan updates, no WisDNR funding support for ongoing program implementation and maintenance are available for non-designated areas.

Figure 10.3 identifies the sewer service area plans, planning agencies, and corresponding areas served in St. Croix County.

FIGURE 10.3 SEWER SERVICE AREA PLANNING

Hudson Area Urban Sewer Service Area Plan for 2020 (approved 1998)

Area: Towns of Hudson, St. Joseph, Troy and Warren;
Village of North Hudson; City of Hudson

Planning Agency: St. Croix County Planning
& Zoning Department

River Falls Area Sewer Service Area Plan

Area: Towns of Clifton (Pierce), Kinnickinnic, River Falls
(Pierce) and Troy; City of River Falls

Planning Agency: City of River Falls
Municipal Utilities

source: Wisconsin Department of Natural Resources and WCWRPC

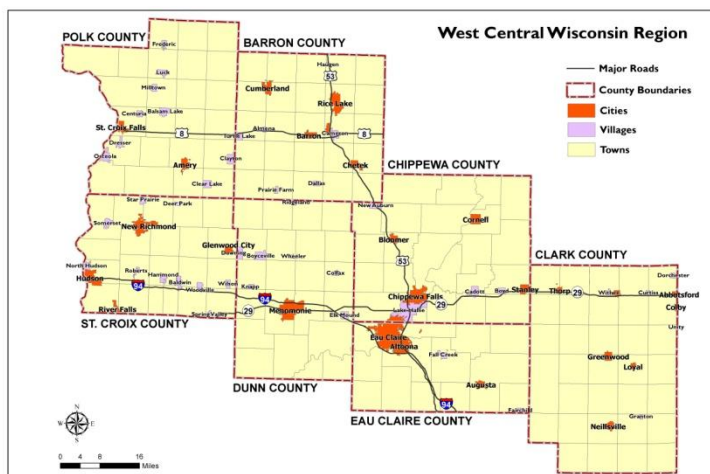
Local Planning by Regional Planning Commission

Wis. Stats. §66.945(12)(b)

West Central Wisconsin Regional Planning Commission (WCWRPC) is one of eight planning commissions in Wisconsin formed under Wisconsin Statutes §66.0309. In accordance with state statutes, WCWRPC is charged with the responsibility of planning for the physical, social, and economic development of the region which encompasses Barron, Chippewa, Clark, Dunn, Eau Claire, Polk, and St. Croix counties. To accomplish this mission, the Commission conducts area wide planning and provides technical assistance to local

governments. WCWRPC supportive

services cover a wide variety of activities, including land use planning and regulations, economic development, grantsmanship, geographic information systems, transportation, hazard mitigation, and other specialized studies. WCWRPC also acts as the region's Census clearinghouse and administers the Regional Business Fund. The County and its municipalities will continue to work with and support the regional planning commission when applicable. For more information please see their website: www.wcwrpc.org.



Source: West Central Wisconsin Regional Planning Commission

ORDINANCES

Zoning and subdivision platting regulations are plan implementation tools that county government can use to guide and direct land use and development. The following are brief descriptions of the various regulatory authorities granted to county and local government. Table 10.4 summarizes the regulations in effect in St. Croix County.

County Zoning

Wis. Stats. §59.69

Any county board may, by ordinance, establish and regulate districts within the county, but outside of incorporated villages and cities, to:

- promote public health, safety and general welfare.
- prevent or reduce land use conflicts.
- separate incompatible uses.
- protect resources and promote cost-efficiency.
- provide a formal mechanism for public comment.
- promote consistency and fairness in decision-making.
- implement their comprehensive plan and achieve community goals.
- protect health, safety, and general welfare.

St. Croix County has adopted a general zoning ordinance, which has been adopted by 18 of the 21 towns in St. Croix County. General zoning is a joint authority between the towns and the county.

Shoreland

Wis. Stats. §59.692

Each county is required to zone by ordinance all shorelands in its unincorporated areas. Ordinances enacted under the enabling statute supersede all provisions of ordinances enacted under Wisconsin Statutes §59.69 that relate to shorelands. Town approval is not required. Shorelands include areas within 1,000 feet of a lake or 300 feet of a navigable stream. Shoreland zoning ordinances may be more restrictive than minimum state standards, but not less. Counties may permit only certain uses in wetlands of five acres or more within the shoreland zone. St. Croix County plans to update its shoreland zoning ordinance by December, 2014.

Shoreland Management

Wis. Stats. §92.17

Counties, cities, villages, and towns may enact shoreland management ordinances for the purpose of maintaining and improving surface water quality. Such ordinances cannot be enforced unless the county has a land conservation committee with an approved land and water resource management plan and the county receives state funding for land and water conservation activities. Most shorelands in St. Croix County are regulated through county or local shoreland-wetland zoning ordinances, instead of having a separate shoreland management ordinance.

Floodplain

Wis. Stats. §87.30 & NR116

Counties, cities, and villages are required to adopt reasonable and effective floodplain zoning ordinances within one year after hydraulic and engineering data adequate to formulate the ordinance becomes available. In July 2003, the Wisconsin Department of Natural Resources released a revised *Model Floodplain Ordinance* which included a number of changes for clarification and consistency with FEMA policies and recent court rulings. St. Croix County has adopted a floodplain ordinance which applies to all unincorporated areas in the County.

However, not all local floodplain ordinances in the County have been updated for consistency with the new model.

Lower St. Croix National Scenic Riverway

U.S. P.L. 92-560,
Wis. Stats. §30.27(2)-(3) & 59.97, N.R. 118.05

In order to preserve the scenic and recreational value of the Lower St. Croix River, the State of Wisconsin included the river in the National Wild and Scenic Rivers Act. Subsequently, counties, cities and villages that have all or part of their area within the Lower St. Croix National Scenic Riverway are required to adopt ordinances that minimize development impacts on the riverway. St. Croix County revised its Lower St. Croix Riverway Overlay District in 2005.

Subdivision

Wis. Stats. §236.45 & 236.46

Land division ordinances (also known as subdivision regulations) regulate the division of larger tracts of land into smaller parcels for development and conveyance. They generally seek to accomplish two main goals:

1. Set forth technical survey and mapping requirements so that lots within a platted subdivision can be conveyed by a lot number instead of by cumbersome metes and bounds descriptions.
2. Set forth layout and improvement requirements that articulate public policy and planning concerns related to development that usually accompanies land division.

Land Division Regulation

Authority for land division regulations is found at §236.45, Wis Stats. While zoning controls the use of property and the types of development that will be allowed, land division ordinances address the specific design and layout of the development.

For more information, see the Wisconsin Platting Manual, updated annually and available at: www.doa.state.wi.us

Conservation Design Regulations

Conservation design is an alternative approach to subdivision development that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible. It provides greater options for land use, development density and protection of features.

The housing and other development is typically clustered with all residential lots abutting a common open space to the greatest extent possible. Common open space is permanently set aside for public or private use with restrictions on its use and development. It may or may not be held in common ownership by those owning dwellings in that conservation design subdivision. Common open spaces are typically protected in perpetuity by conservation easements.

St. Croix County adopted Conservation Design regulations as part of its Land Division Ordinance in 2006.

A typical land division ordinance might provide for the following:

- Size of parcels, depending on their intended type and use.
- Location of open space.
- Street widths and improvement standards.
- Required public dedications or easements for such things as sidewalks, neighborhood parks, utilities, street lighting, trails, protection of environmentally sensitive areas, and stormwater management facilities.

Cities, villages, towns, counties, and the state all have authority over land divisions. This means that like zoning, multiple jurisdictions may be involved. However, unlike zoning, the ordinances, rules, and statutes of multiple jurisdictions apply simultaneously to a parcel of land. For example, land located in an

extraterritorial area could be subject to requirements from the city or village, town, county, and state. The most restrictive requirements will control. St. Croix County has adopted a Land Division ordinance.

Erosion Controls

Wis. Stats. §59.974, 61.354, 62.234, & 144.266

Counties are authorized to enact ordinances to control construction site erosion at sites in unincorporated areas, if the sites are not for building construction or storm water management. Cities and villages are authorized to enact similar ordinances affecting their incorporated areas. Such regulations are typically included as part of subdivision ordinances but can be included with stormwater management in a separate ordinance.

Sanitary

Wis. Stats. §59.065

As required by state statute, St. Croix County has adopted a sanitary ordinance governing private sewage systems which applies to the entire county. The County issues state and county sanitary permits for the siting, design, installation, and/or repair, reconnection, or rejuvenation of private sewage systems and non-plumbing sanitation systems. Sanitary permits are valid for two years and are typically required prior to the issuance of a land use or building permit. State permits must be submitted by a licensed plumber, accompanied by soil test results; and a site inspection by County staff is typically required. Landowners must also sign a maintenance agreement to ensure proper upkeep and periodic inspections of their system.

Recycling

Wis. Stats. §279.09(3)(b), 287.11 & NR 544.06

Counties, cities, villages and towns may enact ordinances to manage solid waste and recycling. Responsible Units (RUs) are required to have ordinances in place to meet the state's Effective Recycling Program requirements and eligibility for grant funding from the state.

St Croix County has been the RU since 1994 for 26 of the 35 municipalities in the county, including: Cities of Hudson & New Richmond; Villages of Baldwin, Deer Park, Hammond, North Hudson, Somerset, Star Prairie & Woodville; and Towns of Baldwin, Eau Galle, Emerald, Erin Prairie, Glenwood, Hammond, Hudson, Kinnickinnic, Pleasant Valley, Richmond, Rush River, St Joseph, Somerset, Springfield, Stanton, Star Prairie & Troy.

In March of 2012, the St Croix County Board of Supervisors adopted an updated recycling ordinance for St Croix County. The new ordinance Chapter 21 –Municipal Solid Waste: Reduction, Recovery & Recycling replaces three outdated ordinances and brings St Croix County's Recycling Program in alignment with statutory and administrative code changes. The updates to this ordinance are intended to help clearly define separation of trash from recyclable and banned items; establish standards for burning, burying and composting; prohibit littering; define owner/occupant obligations for managing recyclable materials; and streamline notification and reporting requirements for waste haulers.

Animal Waste Management

Wis. Stats. §92.16 & NR 151

St. Croix County has adopted a manure storage or animal waste management ordinance under Wisconsin Statutes §92.16 and DATCP rules. The County plans to adopt an updated ordinance by December 2012. Any local ordinance must be reviewed by DATCP for consistency with state standards. Such ordinances may be part of a larger zoning ordinance or code of ordinances. Generally, these ordinances require all new or altered manure storage facilities be liquid tight and meet NRCS standards. WisDNR also enforces performance standards and prohibitions related to manure management under NR 151 and ATCP 50:

Agricultural performance standards

- Control cropland erosion to meet tolerable rates.
- Build, modify or abandon manure storage facilities to accepted standards.
- Divert clean runoff away from livestock and manure storage areas located near streams, rivers, lakes or areas susceptible groundwater contamination.

- Apply manure and other fertilizers according to an approved nutrient management plan.

Manure management prohibitions

- No overflow of manure storage facilities.
- No unconfined manure piles near waterbodies.
- No direct runoff from feedlots or stored manure into state waters.
- No trampled streambanks or shorelines from livestock.

Livestock Facility Siting

Wis. Stats. §93.90 & ATCP 51

The role of local governments in the regulation of the site of new and expanded livestock operations changed significantly in 2006 with the adoption of Wisconsin Statutes §93.90 and Administrative Rule ATCP 51. Effective May 1, 2006, local ordinances which require permits for livestock facilities must follow state rules. The siting standards only apply to new and expanding livestock facilities in areas that require local permits, and then only (in most communities) if they will have 500 animal units (AU) or more and expand by at least 20 percent. St. Croix County updated livestock siting requirements in its Zoning Ordinance at the time the law changed.

For communities with zoning, the new Statute limits the exclusion of livestock facilities from agricultural zoning districts unless another Ag district exists where operations of all sizes are allowed and the exclusion is for public health and safety based on scientific findings of fact. However, such facilities can be treated as a conditional use. For unzoned communities, less site-specific land use control is available; and licensing can only consider performance standards or impacts. Appeals of local permit decisions are taken to the State Livestock Facility Siting Review Board. The changes in state rules for livestock facility siting do not impact a local government's ability to enforce shoreland-wetland zoning, erosion controls, stormwater management requirement, manure storage ordinances, and road regulations.

More information is available on the DATCP website:

http://datcp.state.wi.us/arm/agriculture/land-water/livestock_siting/siting.jsp.

Non-Metallic Mining

Wis. Stats. §295.13, 295.20, & NR 135

Non-metallic mining is widespread and includes quarries and extraction operations for sand, gravel, stone, peat, and a variety of other materials. Wisconsin Statutes §295.13 requires all counties to enact a nonmetallic mining reclamation ordinance that complies with state rules (NR 135). St. Croix County updated its existing nonmetallic mining ordinance in 2004 to meet all state requirements. This approach establishes statewide uniform reclamation standards with permitting administered locally. County non-metallic mining ordinances apply to the entire area of the county, except for cities, villages, and towns that enact their own such ordinance which complies with state rules. Local zoning ordinances also apply.

Wisconsin Statutes §295.20 allows landowners to register "marketable nonmetallic mineral deposits" certified by an engineering or geologic study. The act of registering limits the local government's ability to permit a use of the land that would permanently interfere with the present or future extraction of the registered mineral deposit.

Metallic mining (e.g., copper, gold, silver, iron, lead) is regulated by Wisconsin DNR under state statutes and administrative codes. As stated within the *Guide to Community Planning in Wisconsin*, if a metallic mining operation complies with all applicable laws, meets all protection

standards, complies with local zoning regulations, and minimizes impacts to wetlands, WisDNR must issue a mining permit.²

Official Mapping

Wis. Stats. §62.23(6)

Cities, villages and towns exercising village powers, may adopt official maps by ordinance which show streets, highways, historic districts, parks and parkways, playgrounds, railroad rights-of-way, walkways, and public transit facilities within and extending beyond their boundaries into their extraterritorial plat approval jurisdiction. Official mapping is a tool which is often misunderstood or confused with zoning maps or other types of municipal maps. An official map is required to be much more accurate in detail and scale and involves notice, adoption, and amendment procedures that are set forth in §62.23(6), Wis. Stats. See Figure 10.4.

OTHER LAND USE-RELATED POLICIES & ORDINANCES

Conservation Easements, PDRs & TDRs

Conservation easements, purchase of development rights (PDR) and transfer of development rights (TDR) are tools to allow a landowner to donate, sell or transfer the right to develop his or her land to a local government, or an organization such as a land trust or to another property owner. The remaining rights of the property are identified by a conservation easement which is placed on the land to permanently limit future development of the property, though current activities (e.g., forestry, agriculture) or public use (e.g., recreation) may still be allowed.

While the both purchase of development rights (PDRs) and TDR are the voluntary sale or donation of development rights, TDR is also incentive based. In TDRs, the local government establishes sending areas to be conserved and receiving areas where development is encouraged. Density bonuses to allow additional building space or units are often provided with TDRs and other conservation design policies to encourage the permanent protection of agricultural lands, open spaces, and other areas of particular value to the community.

There are no PDR programs in S. Croix County and only the Town of Troy has established a TDR program. Conservation easements, on the other hand, are fairly widely used as part of a larger conservation design policy, or more commonly involve individual landowners and a land trust without local government involvement.

Telecommunications/Cell Tower Ordinance

U.S Telecommunication Act of 1996

The Telecommunications Act of 1996 deregulated the telecommunications industry, thereby increasing the number of wireless communications providers and the demand for number of cell tower sites. The 1996 Act also limited a local government's ability to regulate such facilities; a local government cannot unilaterally prohibit cell towers. However, local governments can enact ordinances which prohibit towers in certain specifically identified areas, encourage co-location, and regulate tower height, setbacks, security measures, and landscaping/camouflaging. St. Croix County adopted telecommunications/cell tower regulations as part of its zoning ordinance in 1997.

Manufactured/Mobile Home Park Ordinance

Wis. Stats. §66.0435

A license from a city, town, or village is required to operate and maintain a mobile home park community consisting of three or more manufactured or mobile homes. Cities, villages, and towns may establish and enforce by ordinance reasonable standards and regulations for such

² Ohm, Brian. Guide to Community Planning in Wisconsin. Board of Regents of the University of Wisconsin System. 1999. Available on-line at:
www.lic.wisc.edu/shapingdane/resources/planning/library/book/other/title.htm

communities, including limiting the number of units and licenses in accordance with state statute. The provisions of town ordinances with respect to the establishment and operation of a home park/community only apply if they are more restrictive than any applicable county zoning ordinance provisions.

Development Impact Ordinances and Fees

Wis. Stats. §66.0617

The state law regarding impact fees has changed significantly over the last decade. Cities, villages, and towns can impose development impact fees. To collect such fees, a community must adopt an ordinance and prepare a public facilities assessment report detailing the costs of services to be offset by fees. Local governments must show a direct correlation between the development and the increased costs of services, infrastructure development, and maintenance it requires. State laws include additional requirements and limitations regarding impact fees, such as eligible costs, acceptance of public facilities, and timelines for fee collection and use.

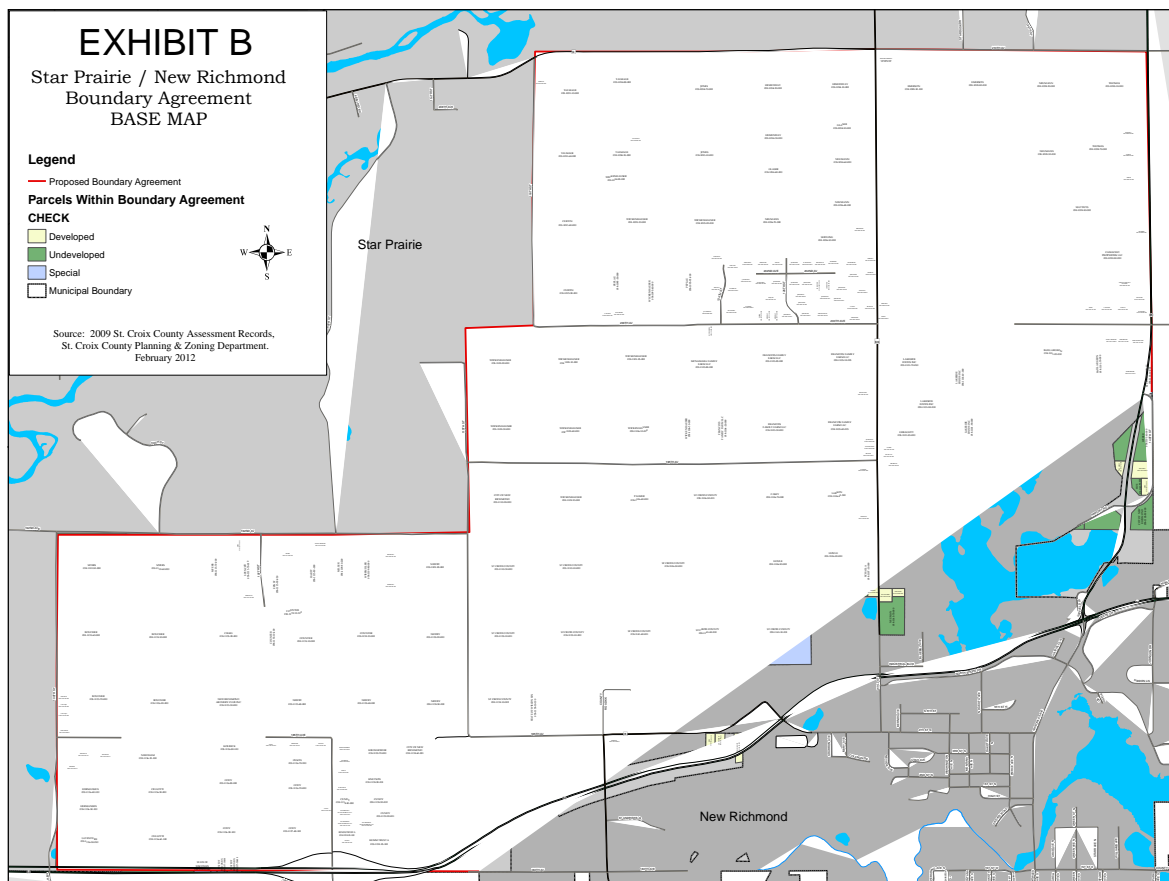
Cooperative Boundary Agreements

Wis. Stats. §66.0307

Cooperative boundary agreements are negotiated, sometimes mediated, plans jointly developed by neighboring cities, villages or towns for municipal boundaries and often include content on utilities, services, design standards, tax revenue sharing, and land use regulations. Cooperative boundary agreements require public input during the process and can be built upon the work completed in local comprehensive planning efforts. Due to their flexibility and approach, cooperative boundary agreements can be preferable and less contentious than annexations which may lack intergovernmental discussion and public input. The State Department of Administration reviews all cooperative boundary agreements and will defend approved agreements against appeal. As of June 2008, there were 24 completed cooperative boundary agreements in the State of Wisconsin. The City of River Falls and Town of Troy tried to develop a boundary agreement but it failed to get sufficient voter support to be adopted. The City of New Richmond and Town of Star Prairie in St. Croix County began negotiating a boundary agreement several years ago and have recently obtained resident approval and final adoption.

The New Richmond Star Prairie Boundary Agreement was signed August 20, 2012 and includes lands that will eventually be annexed to the City of New Richmond and receive urban services. The timing of when annexation will occur is regulated by the boundary agreement and may be different from when development occurs. The area is bounded by the City of New Richmond and STH 65 to the east; 210th Avenue and CTH C to the north; 118th, 115th and 100 streets to the west, connected by 200th and 192nd avenues; and STH 64 and the City of New Richmond to the south. Please see map below. There is an independent governing board consisting of members from the New Richmond City Council, Star Prairie Town Board and citizen members who live within the area that will decide any land use changes. It is important to realize that while this area is still within the Town of Star Prairie geographically, it is under joint jurisdiction with the City of New Richmond. St. Croix County will have a temporary role as the city and town develop and adopt implementation ordinances amendments.

The agreement sets forth the timeframe, activities and terms under which land would be attached to the City. It also recognizes a separate Water Service Agreement between the City of New Richmond and the Town of Star Prairie which identifies the terms and conditions under which the City of New Richmond will provide water service to certain residential properties within the Town of Star Prairie, whose water has been contaminated from a closed New Richmond land fill. The boundary agreement will address land use control and zoning, extension of water or sanitary sewer service, assessments, fees, highway construction, revenue sharing, police and fire protection, a joint commission to oversee, and other administrative provisions. The Boundary Agreement Area is shown on the following map.



Annexation

Annexation is the process that transfers unincorporated territory from towns to cities and villages. It is a landowner-driven process. Landowners often seek annexation to obtain sewer and water or other municipal services not available in the town, but there may be other reasons as well. Wisconsin statutes authorize a number of different annexation methods. Annexation by *unanimous approval* and by *one-half approval* is the most common of these methods.

In Wisconsin, cities and villages cannot initiate annexations. Town landowners have to petition for annexation; then cities and villages have to determine whether or not they are willing to annex those parcels. Towns may object.

For further information please see the state website on municipal boundary review:

<http://doa.wi.gov/municipalboundaryreview/>. This website has numerous resources on annexation and other types of boundary review, such as:

- *Municipal Data System*, an online database of annexation petitions and ordinances, including information on the annexee and annexor municipalities, the size, location, population, and date of the annexation. Also included are images of the submitted annexation documents, such as the scale map. The Municipal Data System is available at <http://municipaldata.wisconsin.gov>.
- *A Basic Introduction to Municipal Annexation*, a brief overview of annexation law and process developed by the Department of Administration.

- *Annexation Fact Sheet* (1995) by the University of Wisconsin Extension – Local Government Center. The fact sheet provides an overview of the annexation process and methods.

General Agreements

Wis. Stats. §66.0301

A wide variety of other intergovernmental agreements for joint municipal services exist in St. Croix County. For small projects, such as snow-plowing on a jointly owned road, some agreements may not be formally approved, may not have a written contract, or may just be “the way it’s always been done.” However, state statutes provide a mechanism for contracts regarding joint municipal services to protect all parties involved. General agreements are the type of intergovernmental agreement that is most commonly used for such joint services and allows municipalities to cooperate on a wide range of issues, as long as the municipalities involved each has power to act on the issue. The agreements are binding on the parties involved, require public hearings and a binding referendum process, and have a 10-year renewable term limit. State review of general agreements is not required, and no inventory of all general agreements in the county or state exists.

Various Other Ordinances

Wis. Stats. §60.61, 61.34(1), 62.11(5), et. al.

Wisconsin cities, villages, and towns have the authority to regulate a wide variety of nuisances and uses for the protection of the public health, safety, and general welfare. Towns may need to enact village powers when exercising certain police powers. These regulations are often part of a larger zoning or subdivision ordinance, but may also be stand-alone regulations. Such ordinances can range from noise and outdoor burning to animal control and outdoor lighting. Regulations regarding commercial junk yards and abandoned vehicles are common in many communities for environmental, public safety, and aesthetic reasons (*Wis. Stats. §84.31, 175.25, 342.40*). No inventory of all nuisance ordinances in the county has been compiled. A few examples of other such local ordinances are adult entertainment, puppy mills, ATV use, and outdoor wood stoves.

LOCAL, STATE & REGIONAL INTERGOVERNMENTAL PROGRAMS

St. Croix County and its municipalities will continue to work cooperatively with many local, regional and State of Wisconsin agencies, including

- Lake Management Districts (See Natural Resources Section)
- School Districts (See Utilities & Community Facilities Section)
- West Central Wisconsin Regional Planning Commission
- Wisconsin Department of Transportation, www.dot.state.wi.us
- Wisconsin Department of Natural Resources, <http://dnr.wi.gov/>
- Wisconsin Department of Agriculture, Trade and Consumer Protection, <http://datcp.wi.gov/>
- Wisconsin Department of Workforce Development, <http://dwd.wisconsin.gov/default.htm>
- Wisconsin Department of Administration-Division of Intergovernmental Relations, www.doa.state.wi.us
- Wisconsin Department of Safety and Professional Services, <http://dsps.wi.gov/>
- UW-Extension Local Government Center, <http://lgc.uwex.edu>

- Wisconsin Municipal Associations
 - Wisconsin Counties Association, www.wicounties.org
 - Wisconsin Towns Association, www.wisctowns.com
 - League of Wisconsin Municipalities, <http://wileague.govoffice2.com>
 - Wisconsin Alliance of Cities, www.wiscities.org
- Wisconsin Economic Development Corporation, www.wedc.org
- U.S. Fish & Wildlife Service
- National Park Service
- Army Corp of Engineers – St. Paul

NOTES REGARDING FIGURE 10.4

The information in Figure 10.4 was drawn from four primary sources:

- County planning & zoning and land conservation staff updates
- A program survey sent by WCWRPC to all cities, villages, and towns in the region with a Self-Addressed Stamped Envelope (SASE) and follow-up e-mail reminder
- The Wisconsin Department of Administration's *2008 Wisconsin Local Land Use Regulations and Comprehensive Planning Status Report*
- Knowledge of WCWRPC staff based on previous planning efforts

The data provided in Figure 10.4 was reported by the municipality. If a municipality did not return a WCWRPC survey, their name is "grayed out" or shaded in Figure 10.4. Also "grayed out" are those regulations which do not apply to a given municipality (e.g., towns do not have the authority to practice extraterritorial plat review).

Some discrepancies were found between the above data sources. If a municipality returned a "yes" response to either the WCWRPC survey or WisDOA report, then the municipality is shown as having the corresponding plan or regulations in Figure 10.4.

It is also to be expected that some respondents may not have fully understood each of the regulatory tools included on the WCWRPC survey. For instance, official mapping was likely misunderstood by some respondents. And some of the regulatory tools, such as conservation design policies and development impact fees, may have been interpreted in the most general sense by some respondents. If a respondent returned an unknown or uncertain response to any regulatory tool on the WCWRPC survey, the corresponding entry on Figure 10.4 was left blank.

The column regarding non-metallic mining is discussed previously in the agricultural, natural, and cultural resources section. Cities and villages were not asked if they had adopted a non-metallic mining reclamation ordinance in the WCWRPC survey, so they may have such an ordinance adopted locally but it is not represented in Figure 10.4.

Key to Figure 10.4

- = Regulation or Policy adopted by the jurisdiction; may be part of a larger ordinance
- = County regulations which apply to a city, village, or town
- I = In-progress or under consideration

FIGURE 10.4 ST. CROIX COUNTY AND LOCAL LAND USE PROGRAMS AND POLICIES

MUNICIPAL PLANS, ORDINANCES & REGULATIONS	COMPREHENSIVE PLAN	OFFICIAL MAPPING ORDINANCE	ZONING ORDINANCE	SHORELAND OR SHORELAND/WETLAND ZONING	FLOODPLAIN ORDINANCE	EXTRATERRITORIAL ZONING	LOWER ST. CROIX RIVERWAY ORDINANCE	SUBDIVISION ORDINANCE	EXTRATERRITORIAL PLAT REVIEW	TOWNS WITH VILLAGE POWERS
St. Croix County	i		•	•	•		•	•		
Cities										
Glenwood City	•	•	•		•			•	•	
Hudson	•	•	•	•	•	•	•	•	•	
New Richmond	•	•	•	•	•			•	•	
River Falls	•	•	•	•	•	•		•	•	
Villages										
Baldwin	•	•	•		•			•	•	
Deer Park	•	•	•	•				•	i	
Hammond	•		•		•			•	•	
North Hudson	•	•	•		•		•	•	•	
Roberts	•	•	•	•				•	•	
Somerset	•	•	•		•			•	•	
Spring Valley			Not included; primarily in Pierce County							
Star Prairie	•		•	•	•			•	•	
Wilson		•	•	•	•			•	•	
Woodville	•	•	•		•			•	•	
Towns										
Baldwin	•		u	u	u			u	•	•
Cady	•		i	u	u			u	•	•
Cylon	•		u	u	u			u	•	•
Eau Galle	•		u	u	u			u	•	•
Emerald	•		u	u	u			u	•	•
Erin Prairie	•	i	u	u	u			u	•	•
Forest	•			u	u			u	•	•
Glenwood		•	u	u	u			u		
Hammond	•		u	u	u			u	•	•
Hudson	•	•	•	u	u		u	u	•	•
Kinnickinnic	•	i	u	u	u			u	•	•
Pleasant Valley	•		u	u	u			u	•	•
Richmond	•		u	u	u			u	•	•
Rush River	•	•	u	u	u			u	•	•
St. Joseph	•		u	u	u		u	u	•	•
Somerset	•	•	u	u	u		u	u	•	•
Springfield		•	u	u	u			u		
Stanton	•	•	u	u	u			u	•	•
Star Prairie	•	i	u	u	u			u	•	•
Troy	•		u	u	u		u	u	•	•
Warren	•	•	u	u	u			u	•	•

FIGURE 10.4 ST. CROIX COUNTY AND LOCAL LAND USE PROGRAMS AND POLICIES

MUNICIPAL ORDINANCES & REGULATIONS	CONSERVATION DESIGN ORDINANCE	DENSITY TRANSFER OR TRANSFER OF DEVELOPMENT RIGHTS	TRADITIONAL NEIGHBORHOOD DEVELOPMENT ORDINANCE	MANUFACTURED/MOBILE HOME PARK STANDARDS	DEVELOPMENT IMPACT ORDINANCES/FEEs	TELECOMMUNICATIONS OR CELL TOWER ORDINANCE	JUNK OR RELATED NUISANCE ORDINANCE	ANIMAL CONTROL ORDINANCE	NON-METALLIC MINING ORDINANCE	DRIVEWAY ORDINANCE
St. Croix County	•					•		•	•	
Cities										
Glenwood City				•	•		•	•	u	
Hudson			i	•	•	•	•	•	•	
New Richmond	•		•	•	•	•	•	•	u	
River Falls			•						u	
Villages										
Baldwin									u	
Deer Park				•	•		•	•	u	
Hammond									u	
North Hudson				•	•		•	•	u	
Roberts				•	•		•	•	u	
Somerset					•		•	•	•	
Spring Valley			Not included; primarily in pierce county							
Star Prairie	•			•	•		•	•	u	
Wilson									u	
Woodville									u	
Towns										
Baldwin	u			•		u			u	
Cady	u					i		•	u	•
Cylon	u					u			u	
Eau Galle	u			•		u			u	
Emerald	u					u			u	
Erin Prairie	u			•		u	•		u	
Forest	u						•	•	u	•
Glenwood	u			•		u			u	
Hammond	u					u			u	
Hudson	u			•			•	•	u	
Kinnickinnic	u •			•	•	u	i		u	•
Pleasant Valley	u					u			u	
Richmond	u			•	•	u		•	u	•
Rush River	u			•		u			u	
St. Joseph	u			•	•	u	•	•	u	•
Somerset	u			•	•	u		•	u	
Springfield	u			•	•	u		•	u	•
Stanton	u			•	•	u		•	u	•
Star Prairie	u			•	•	u	•	•	u	
Troy	u •	•				u			u	•
Warren	u •					u			u	

EXISTING OR POTENTIAL CONFLICTS

This section on intergovernmental cooperation provided a summary of many of the types of existing plans and land use policies within St. Croix County. Such insight is valuable to encourage intergovernmental coordination which maximizes existing resources while mitigating potential conflicts. However, there may be conflicts from time to time. Discussion on existing or potential conflicts between the local governments in St. Croix County can be found in the local municipalities' own comprehensive plans.

The following list describes some existing and potential conflicts facing St. Croix County:

- **Relationship with Towns:** Although St. Croix County has experienced tremendous growth over the past 20 years, most of the growth has been in the West side of the County. This has created challenges when trying to develop county wide policies regarding land use planning. Some Towns in the West side of the County do not feel that St. Croix County's regulations are enough to address the needs of the residents, while some Towns on the East side of the County believe that St. Croix County's policies are strict enough. This division in growth will only increase as time goes on, St. Croix County needs to develop policies that either balance the diverse needs of the Towns or address the needs separately.
- **Coordination with Municipalities:** The City of River Falls is one of two municipalities in St. Croix County that has an established ETZ. There have been some issues regarding ordinance regulation and authority in this area. For example, neither St. Croix County nor the City of River Falls are able to enforce their respective sign ordinance within the ETZ. This confusion should be addressed by local municipalities and the county prior to adoption of extra territorial zoning or adoption of a boundary agreement to prevent future issues.
- **Relationship with Wisconsin Department of Natural Resources (DNR):** Given the recent downsizing of the DNR, Counties across the state have been struggling to obtain the necessary level of service and assistance from DNR staff and are being expected to make more decisions on their own. Many DNR staff are no longer offering assistance to Counties regarding issues such as ordinary high water mark determination, wetland delineation, and navigability determination. It is very likely that St. Croix County staff will have to assume responsibility of these determinations in the near future. This would add additional workloads to staff and bring concerns regarding the consistency and legal consequences of defending such determinations.
- **Municipal Annexation:** Towns are concerned when town land is annexed to adjoining cities and villages. Though St. Croix County Government plays no direct role in the annexation process the county often has to mediate or design regulations beneficial to both towns and cities and villages.

Conflict Resolution

The Comprehensive Planning Law requires that the intergovernmental cooperation element addresses a process that the community can use to resolve conflicts. Recommended methods for conflict resolution include:

- **Mediation:** Easily the most recommended form of conflict resolution. Mediation is a cooperative process involving two or more parties and a mediator. The Mediator acts as a neutral third party and is highly trained in conflict resolution to help all parties reach a mutually acceptable settlement. A mediated outcome is often more favored by both sides of the disputing parties, is settled faster, and costs less than a prolonged law suit. Possible mediators could include County Planning agency staff, Regional planning commission staff, UW Extension agents, and retired or active judges and attorneys.

- **Binding arbitration:** This is a process where a neutral person is given the authority to make a legally binding decision and is used only with the consent of all the parties. The parties present evidence and examine witnesses and the arbitrator makes a determination based on evidence.
- **Non-binding arbitration:** This is another technique in which a neutral person is given the authority to render a non-binding decision as a basis for subsequent negotiation between the parties after the parties' present evidence and examine witnesses.
- **Early neutral evaluation:** Early neutral evaluation is a process in which a neutral person evaluates brief written and oral presentations early in the litigation process. The neutral person provides an initial appraisal of the merits of the case with suggestions for conducting discovery and obtaining a legal ruling to resolve the case as efficiently as possible.
- **Focus group:** These can be used to resolve disputes by using a panel of citizens selected in a manner agreed upon by all of the parties. The citizens hear presentations from the parties and, after hearing the issues, the focus group deliberates and renders an advisory opinion.
- **Mini-trial:** These consist of presentations by the parties to a panel selected and authorized by all the parties to negotiate a settlement of the dispute that, after the presentations, considers the legal and factual issues and attempts to negotiate a settlement.
- **Moderated settlement conference:** This is a process in which conferences are conducted by a neutral person who hears brief presentations from the parties in order to facilitate negotiations. The neutral person renders an advisory opinion in aid of negotiation.
- **Summary jury-trial:** A technique where attorneys make abbreviated presentations to a small jury selected from the regular jury list.